



Refer to: TLC  
331-40-7685

Office of Disability Adjudication  
and Review  
5107 Leesburg Pike  
Falls Church, VA 22041-3255  
Telephone: (703) 605-8000  
Date: 7/31/2008

Mr. Barry A. Schultz  
1609 Sherman Ave.  
Suite 207  
Evanston, IL 60201

08CV4732

JUDGE DARRAH

MAGISTRATE JUDGE BROWN

PH

Dear Mr. Schultz:

Re: Matthew Adam Koswenda, 1712 Sylvan Ct, Flossmoor, IL 60422

On March 21, 2008, the Appeals Council denied a request for review of the Administrative Law Judge's decision. The Council has now received your request for more time to file a civil action (ask for court review).

#### **We Are Giving You More Time to File a Civil Action**

The Appeals Council now extends the time within which you may file a civil action (ask for court review) for 30 days from the date you receive this letter. We assume that you received this letter 5 days after the date on it unless you show us that you did not receive it within the 5-day period.

#### **If You Have Any Questions**

If you have any questions, you may call, write, or visit any Social Security office. If you do call or visit an office, please have this notice with you. The telephone number of the local office that serves your area is (708)709-4687. Its address is:

Social Security  
104 S Halsted Street  
Chicago Heights, IL 60411-1256

ORIGINAL SIGNED BY  
Rodney K Lewis  
Paralegal Support Technician

cc:  
Mr. Matthew Adam Koswenda  
1712 Sylvan Ct  
Flossmoor, IL 60422



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MAR 21 2008

## NOTICE OF APPEALS COUNCIL ACTION

Mr. Matthew A. Koswenda  
1712 Sylvan Ct  
Flossmoor, IL 60422

This is about your request for review of the Administrative Law Judge's decision dated January 11, 2008.

### We Have Denied Your Request for Review

We found no reason under our rules to review the Administrative Law Judge's decision. Therefore, we have denied your request for review.

This means that the Administrative Law Judge's decision is the final decision of the Commissioner of Social Security in your case.

### Rules We Applied

We applied the laws, regulations and rulings in effect as of the date we took this action.

Under our rules, we will review your case for any of the following reasons:

- The Administrative Law Judge appears to have abused his or her discretion.
- There is an error of law.
- The decision is not supported by substantial evidence.
- There is a broad policy or procedural issue that may affect the public interest.
- We receive new and material evidence and the decision is contrary to the weight of all the evidence now in the record.

### What We Considered

In looking at your case, we considered the reasons you disagree with the decision and the

*yet*

additional evidence listed on the enclosed Order of Appeals Council.

We found that this information does not provide a basis for changing the Administrative Law Judge's decision.

### **If You Disagree With Our Action**

If you disagree with our action, you may ask for court review of the Administrative Law Judge's decision by filing a civil action.

If you do not ask for court review, the Administrative Law Judge's decision will be a final decision that can be changed only under special rules.

### **How to File a Civil Action**

You may file a civil action (ask for court review) by filing a complaint in the United States District Court for the judicial district in which you live. The complaint should name the Commissioner of Social Security as the defendant and should include the Social Security number(s) shown at the top of this letter.

You or your representative must deliver copies of your complaint and of the summons issued by the court to the U.S. Attorney for the judicial district where you file your complaint, as provided in rule 4(i) of the Federal Rules of Civil Procedure.

You or your representative must also send copies of the complaint and summons, by certified or registered mail, to the Social Security Administration's Office of the General Counsel that is responsible for the processing and handling of litigation in the particular judicial district in which the complaint is filed. The names, addresses, and jurisdictional responsibilities of these offices are published in the Federal Register (70 FR 73320, December 9, 2005), and are available on-line at the Social Security Administration's Internet site, <https://s044a90.ssa.gov/apps10/poms.nsf/lnx/0203106020!opendocument>.

You or your representative must also send copies of the complaint and summons, by certified or registered mail, to the Attorney General of the United States, Washington, DC 20530.

### **Time To File a Civil Action**

- You have 60 days to file a civil action (ask for court review).
- The 60 days start the day after you receive this letter. We assume you received this letter 5 days after the date on it unless you show us that you did not receive it within the 5-day period.
- If you cannot file for court review within 60 days, you may ask the Appeals Council to extend your time to file. You must have a good reason for waiting more than 60 days to ask for court review. You must make the request in writing and give your reason(s) in

the request.

You must mail your request for more time to the Appeals Council at the address shown at the top of this notice. Please put the Social Security number(s) also shown at the top of this notice on your request. We will send you a letter telling you whether your request for more time has been granted.

#### **About The Law**

The right to court review for claims under Title II (Social Security) is provided for in Section 205(g) of the Social Security Act. This section is also Section 405(g) of Title 42 of the United States Code.

The right to court review for claims under Title XVI (Supplemental Security Income) is provided for in Section 1631(c)(3) of the Social Security Act. This section is also Section 1383(c) of Title 42 of the United States Code.

The rules on filing civil actions are Rules 4(c) and (i) in the Federal Rules of Civil Procedure.

#### **If You Have Any Questions**

If you have any questions, you may call, write, or visit any Social Security office. If you do call or visit an office, please have this notice with you. The telephone number of the local office that serves your area is (708)709-4687. Its address is:

Social Security Administration  
104 S Halsted Street  
Chicago Heights, IL 60411-1256



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Joel Krafur  
Appeals Officer

Enclosure: Order of Appeals Council

cc: Roger S. Hutchison  
Attorney at Law  
47 W. Polk St., Suite M2  
Chicago, IL 60605

Matthew A. Koswenda  
Claimant

331-40-7685  
Social Security Number

Wage Earner

Social Security Number

AC EXHIBITS LIST

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>NO. OF PAGES</u>	<u>COURT TRANSCRIPT PAGE NO.</u>
Exhibit AC-1	Letter from the claimant dated February 22, 2008.		
Exhibit AC-2	Letter from Sanjeev Joshi, M.D. dated February 11, 2008.		
Exhibit AC-3	Medical report from Clara T. Perez, M.D. dated February 14, 2008.		

See Next Page

Social Security Administration  
OFFICE OF DISABILITY ADJUDICATION AND REVIEW

**ORDER OF APPEALS COUNCIL**

**IN THE CASE OF**

Matthew A. Koswenda  
(Claimant)

(Wage Earner)

**CLAIM FOR**

Period of Disability  
Disability Insurance Benefits

331-40-7685

(Social Security Number)

The Appeals Council has received additional evidence which it is making part of the record.  
That evidence consists of the following exhibits:

- Exhibit AC-1      Letter from the claimant dated February 22, 2008.
- Exhibit AC-2      Letter from Sanjeev Joshi, M.D. dated February  
11, 2008.
- Exhibit AC-3      Medical report from Clara T. Perez, M.D. dated  
February 14, 2008.

Date:

MAP 2008

See Next Page